EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH MANTHA on behalf of himself and others similarly situated,	: : : :	
Plaintiff,	: :	Case No. 1:19-cv-12235-LTS-PK
v.	: :	
QUOTEWIZARD.COM, LLC	: :	
Defendant.	: : :	

REBUTTAL EXPERT REPORT OF ANYA VERKHOVSKAYA

November 22, 2023

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I, Anya Verkhovskaya, hereby declare as follows:

1.   The facts set forth in this rebuttal expert report are based upon my personal knowledge and I could competently testify to them if called upon to do so. I produced my initial expert report in this matter on September 22, 2023 (the "Verkhovskaya Report").

I.   DOCUMENTS REVIEWED AND RELEVANT DISCLOSURES

2.   My experience and qualifications were summarized in the Verkhovskaya Report.

3.   To prepare this rebuttal expert report (the "Rebuttal Expert Report"), I reviewed the Expert Report of Jan Kostyun (the "Kostyun Report") and the Verkhovskaya Report along with the materials that I reviewed and disclosed in preparation thereof. In addition, I reviewed the following documents:

    a. Transcript of Deposition of Manny Wald, July 28, 2020;

    b. Transcript of Deposition of Siena Stevens, June 30, 2023;

    c. Transcript of Deposition of Obinna Njoku, August 3, 2023;

    d. Transcript of Videotaped Deposition of Tricia Winkler, September 8, 2023;

    e. Transcript of Videotaped Deposition of Matthew Weeks, September 8, 2023;

    f. Transcript of Videotaped Deposition of Joel Peterson, September 8, 2023;

    g. https://www.lifewire.com/sending-text-message-to-landline-telephone-577585;

    h. May 26, 2023 email from Emily Harlan, Bandwidth, subject "Re: [Bandwidth] Re: Service of Process Documents Received by CSC"; and

    i. Declaration of Tom Martindale, the President for Drips Holdings, July 10, 2023.

4.   All the work accomplished in connection with the Verkhovskaya Report and this Rebuttal Expert Report was performed by myself or at my direction and with my supervision.

5.   My opinions are based on the information available to me as of today. I reserve the right to supplement or amend this Rebuttal Expert Report should new and/or additional data or information be provided to me and in response to any new expert reports served by Defendant.

II.   EXECUTIVE SUMMARY

6.   This Rebuttal Expert Report addresses and rebuts the opinions set forth by Mr. Kostyun. It incorporates by reference the Verkhovskaya Report as set forth in full herein, and capitalized terms, not otherwise defined below, are as defined in the Verkhovskaya Report.

7.   My review of the Kostyun Report has not changed any of the opinions I expressed in the Verkhovskaya Report.

8.   In each of the following cases where Mr. Kostyun and I have been experts and where there was litigation over class certification and the reliability of expert opinions, the proposed classes were certified, and my opinions were not excluded or limited on the basis of a *Daubert* challenge or similar motion: (a) *Garcia v. Target Corp.*, No. 16-cv-02574 (D. Minn.); (b) *Reyes v. BCA Financial Services, Inc.*, Case No. 16-cv-24077 (S.D. Fla.); and (c) *Bumpus v. Realogy Holdings Corp.*, Case No. 3:19-cv-03309-JD (N.D. Cal.).[1]

III.   RESPONSES TO MR. KOSTYUN'S OPINIONS

A. MR. KOSTYUN'S OPINION 1 IS SPECULATIVE, ADDRESSES TEXT RECORDS NOT USED TO IDENTIFY THE CLASS, FACTUALLY INACCURATE, AND OVERLOOKS THE FACT THAT THE CLASS INCLUDES ONLY THOSE PEOPLE WHO RECEIVED UNWANTED TEXT MESSAGES AND TOLD THE DEFENDANT TO STOP.

9.   At paragraphs 16-20, and paragraphs 33-38 of the Kostyun Report, Mr. Kostyun takes the position that the business records provided by Defendant and its vendors are unreliable to demonstrate that the many millions of telemarketing texts sent to consumers by Drips on behalf of QuoteWizard were actually received. As detailed in the Verkhovskaya Report, I limited my analysis of the text telemarketing campaign at issue to text messages sent by Drips on behalf of QuoteWizard for which the telecommunications records of Bandwidth and Twilio confirm the texts were successfully delivered. Mr. Kostyun argues that the records of Bandwidth and Twilio only confirm whether a specific text was successfully delivered to the Mobile Carrier utilized by

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[1] The case in which Mr. Kostyun and I were both experts and class certification was denied, *Sandoe v. Boston Scientific Corp.*, involved "wrong-number" telephone calls.

a specific consumer. Mr. Kostyun then speculates that it is theoretically possible that some texts that appear in the Bandwidth and Twilio call records as "Delivered" to the mobile carrier were never actually received by the consumer. Mr. Kostyun does not offer a single example of this actually happening. The argument is purely speculative. Mr. Kostyun ignores that Bandwidth and Twilio were both deposed and testified as to the authenticity and accuracy of their business records. *See* Deposition of Obinna Njoku, August 3, 2023, p. 11:4-13 and p. 16:18-19:7 and Deposition of Siena Stevens, June 30, 2023, p. 12:25-13:15; p. 41:22-42:21.

10.   Below is an overview of Mr. Kostyun's criticisms of alleged deficiencies of the data files[2] and my responses:

Criticized files that I have *not* used:

  a. File: "Twilio Production [Privileged and confidential]"
      Claim: Mr. Kostyun states this file does not include a time field.
      Response: My methodology does not include this file.

  b. File: "DRIPS000006 CONFIDENTIAL Pursuant to the Court's Default PO"
      Claim: Mr. Kostyun states this file does not include a call (*sic*)[3] disposition or status field and does not include a time field.
      Response: My methodology does not include this file.

  c. File: "With Providers"
      Claim: Mr. Kostyun states this file does not include a call (*sic*) disposition or status field and does not include a time field.
      Response: My methodology does not include this file.

  d. File: "DEINTRP-2403"
      Criticism: Mr. Kostyun's specific criticism is unclear.
      Response: My methodology does not include this file.

Criticized files that I have used:

  e. Files: "Outbound Set1" and "Outbound Set2"

      Claim: Mr. Kostyun states these files do not include a call (*sic*) disposition or status field and do not include a time field.

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[2] For clarity in this section, I utilize the same file names that were used in the Kostyun Report (that is, mostly without the file extensions).

[3] The term "call" is used in this paragraph rather than "text" to match to the terminology used in the Kostyun Report.

Response: The confirmation of texts' delivered status was completed using the files "BAND-202002-202112," "BAND-202105-202112," and also "Full_Quote_Wizard_Report.csv." The files "Outbound Set1" and "Outbound Set2" were produced in a manner so that the number of texts per day was part of the production and the time field was not necessary for deduplication or any other purposes.

f. Files: "BAND-202002-202112" and "BAND-202105-202112"

Claim: Mr. Kostyun states "BAND-202002-202112" and "BAND-202105-202112" do not include a call (*sic*) disposition or status field and time field.

Response: I utilize "BAND-202002-202112" and "BAND-202105-202112" and "Full_Quote_Wizard_Report.csv" as part of my methodology focusing on the fields indicating direction (inbound or outbound)[4] and status (delivered)[5] and I excluded over 3.8 million records using this methodology.

11.   Additionally, in identifying the members of the class, I did not rely only on the delivery status of the text evidenced by the Bandwidth and Twilio records. All members of the class also responded to the telemarketing text campaign at issue with a request that the telemarketing cease. Using common sense and basic logic, it is more likely than not that someone who asks for the texts to cease received the telemarketing text messages that they are requesting to stop.

12.   At paragraphs 21-24 of the Kostyun Report, Mr. Kostyun next contends that the text records produced by Drips, Bandwidth and Twilio fail to include critical data fields. In support, Mr. Kostyun points to data[6] missing from files produced by Drips entitled "DRIPS000006 CONFIDENTIAL Pursuant to the Court's Default PO," "Numbers Texted Since 2021-05-18," and "With Providers." As discussed above, I did not use these files. In addition, Mr. Kostyun fails to

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[4] The field utilized for direction for files "BAND-202002-202112" and "BAND-202105-202112" was "MESSAGE_DIRECTION" and text records with a value "OUTBOUND" in that field were included in further analysis. The field utilized for direction for the file "Full_Quote_Wizard_Report.csv" was "Flag Incoming (Yes / No)" and records with a value "No" in that field were included in further analysis.

[5] The field utilized for status for files "BAND-202002-202112" and "BAND-202105-202112" was "MESSAGE_STATUS" and text records with a value "DELIVERED" were included in further analysis. The field utilized for status for file "Full_Quote_Wizard_Report.csv" was "Status" and text records with a value "DELIVERED" were included in further analysis.

[6] The specific fields that Kostyun states are missing are the text record disposition and time fields.

note that after the production of these records, Plaintiff's counsel sent a second subpoena to Drips seeking more fulsome records. Ultimately, as explained in the Declaration of Tom Martindale, the President for Drips Holdings, a more complete set of text records was produced by Drips in files entitled "Outbound Set1" and "Outbound Set2," that I did use. Along with the telecommunications of Bandwidth and Twilio ("BAND-202002-202112," "BAND-202105-202112," and also "Full_Quote_Wizard_Report.csv"), "Outbound Set1" and "Outbound Set2" and as outlined in the Verkhovskaya Report, were the files relied upon for the opinions set forth in the Verkhovskaya Report.

13.   At paragraphs 39-57 of the Kostyun Report, Mr. Kostyun refers to purported inconsistencies in the data produced by Bandwidth and Twilio. Below is an overview of Mr. Kostyun's criticisms of the data and my replies:

Criticized data that I did *not* utilize:

    a. Telephone numbers: 719-258-0682; 910-964-8820; 559-909-9524; 256-305-3545; and 423-223-3788.

    Claim: Mr. Kostyun claims that there is a difference between files "DEINTRP" and "Band202002" for texts to these telephone numbers.

    Response: These telephone numbers are not included in the proposed class based on my methodology. Also, I do not utilize the file "DEINTRP."

    b. Telephone numbers: 956-999-1412 and 217-254-4760.

    Claim: Mr. Kostyun claims that there is a difference between "Twilio" and "With Providers" for texts to these telephone numbers.

    Response: I do not use the files "Twilio" or "With Providers" in my methodology. The telephone numbers are not included in the proposed class.

Criticized data and files that I utilized:

    c. Telephone number: 813-506-4043.

    Claim: Mr. Kostyun claims that there is a difference between "Band202002" and "Band202105" for texts to this telephone number.

    Response: While there may be overlap between "Band202002" and "Band202105" it is my understanding that they can be used to supplement each other, as they were both records produced by Bandwidth. Indeed, I understand that Bandwidth indicated that "There is overlap/duplication between this file

and the other file (BAND-202105-202112.csv) for the period they have in common, May 25, 2021 - December 1, 2021."[7]

14.   At paragraphs 25-32 of the Kostyun Report, Mr. Kostyun asserts that although the text records of Drips, Bandwidth and Twilio confirm the exact date a telemarketing text was sent and delivered to a consumer, the records do not specify the exact time the texts were sent. He then speculates that it is theoretically possible that the records may be 'duplicative' and without a time stamp, he is precluded from identifying duplicates. Of course, if QuoteWizard was interested in obtaining additional data from any of the entities it used to send its telemarketing texts to consumers, it had years to do so during discovery.

15.   It is my understanding that the data upon which I relied was obtained by Plaintiff's counsel only over QuoteWizard and Drips' strenuous objections and protracted litigation. As an expert, I can only assess what is provided to me. From what I have been informed by Plaintiff's counsel, it seems that QuoteWizard did not make any effort to obtain more detailed data in support of its speculative claim that the telecommunications records may be "duplicative" and, accordingly, are somehow unreliable.

16.   Mr. Kostyun's final arguments in support of his claim that the telecommunications records of Drips, Bandwidth and Twilio cannot be relied upon are set forth in paragraphs 58-99 of the Kostyun Report. Mr. Kostyun claims the records are unreliable because they indicate the telemarketing texts at issue were sent in some instances to landlines.[8] Mr. Kostyun contends it is not possible for landlines to receive text messages and, accordingly, the records must be unreliable.

17.   First, it is possible to send text messages to a landline.[9]

18.   Second, Mr. Kostyun conflates what it means to be a "landline" -- he states that telephone numbers that are related to Comcast and other VOIP type of services are not capable

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[7] *See* May 26, 2023 email from Emily Harlan, Bandwidth, subject "Re: [Bandwidth] Re: Service of Process Documents Received by CSC."

[8] None of the telephone numbers offered by Mr. Kostyun as examples are included in the Class List.

[9] *See* https://www.lifewire.com/sending-text-message-to-landline-telephone-577585.

of receiving text-messages. However, with Local Number Portability (LNP), telephone numbers that were once considered landline have now extended the ability to move numbers from landline, to wireless; but even more importantly, telephone numbers that are designated Incumbent Local Exchange Carriers (ILEC), or Competitive Local Exchange Carriers (CLEC), or Voice Over Internet Protocol (VOIP), are often text-message enabled, because those numbers are being used with text enabled services. For instance, despite Bandwidth.com's numbers not indicating "wireless," they are none-the-less capable of receiving a text message.

19.   Finally, the Class List[10] in this case is limited to consumers who not only received QuoteWizard's telemarketing texts but who also responded to them with a text demanding that the telemarketing campaign cease. The fact that the telephone numbers of class members included on the Class List are cellular lines and not landlines is self-evident as these consumers responded to the telemarketing texts at issue with a text message demanding that they stop.

20.   Similarly, Mr. Kostyun contends that some of the text messages delivered to consumers were sent to non-working telephone numbers.[11] Of note, the Class List in this case is limited to consumers who not only received QuoteWizard's telemarketing texts but who also responded to such with a text demanding that the telemarketing campaign cease. That the telephone numbers of class members included on the Class List were working numbers is self-evident as these consumers responded to the telemarketing texts at issue demanding that they stop.

21.   While I did not specifically review Mr. Kostyun's work and claims regarding his wireless identification methodology and its results, the sample telephone number Kostyun includes at Table 10 for telephone number 210-394-2629 is not identified as included in the proposed class based on my methodology.

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[10] Within this Expert Rebuttal Report, "Class List," and "Proposed Class List," shall mean the list attached hereto as Exhibit 1. Depending upon context, these terms can refer to the version of the list which was attached to the Verkhovskaya Report as Exhibit J.

[11] None of the telephone numbers offered by Mr. Kostyun as examples of non-working telephone numbers are included in the Class List.

22.   While I did not specifically review Mr. Kostyun's work and claims regarding his non-working telephone number methodology and its results, the sample telephone numbers Mr. Kostyun includes in paragraphs 83-97, were not included in the proposed class based on my methodology.

B. MR. KOSTYUN'S OPINION 2 CONCERNING ALLEGED SHORTCOMINGS OF THE NATIONAL DO NOT CALL REGISTRY ("NDNCR") ADDRESSES A LEGAL ISSUE THAT IS NOT RELEVANT TO MY ANALYSIS.

23.   Mr. Kostyun makes various assertions regarding the unreliability of the NDNCR.

24.   I understand that Congress charged the Federal Trade Commission (FTC) with maintaining the NDNCR. This is the best and most reliable data source available concerning those telephone numbers registered thereupon. Similar claims to those, Mr. Kostyun enumerates in his report, apply to the United States Postal Service (USPS)[12] and other government-maintained entities that our judicial system was built around. The FTC's maintenance of the NDNCR is reasonably relied upon by telemarketers in order to avoid prohibited calls.

25.   Again, in my decades of experience, in the field of mass data analysis in support of class action certification, notification, and administration, 100 percent accuracy is not necessarily attainable, nor is it a requirement. As an expert in the field my job is to provide an opinion that is accurate to a reasonable degree of certainty within the field.

26.   Mr. Kostyun also expresses concern about "homegrown" NDNCR replacements. Of note, I do not and have never used a "homegrown" NDNCR replacement product.

C. MR. KOSTYUN'S OPINIONS 3 AND 4 CONCERNING IDENTIFICATION OF THE SPECIFIC PERSON WHO REGISTERED A TELEPHONE NUMBER ON THE NDNCR ADDRESSES A LEGAL ISSUE THAT IS NOT RELEVANT TO MY ANALYSIS.

27.   Mr. Kostyun takes the position that it is necessary to review the names of individuals associated with telephone numbers at the time those numbers received texts in order

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[12] Similar to the NDNCR, the National Change of Address database, which is relied upon by class administrators for the purposes of issuing notices of pendency, class certification and/or settlement is also known to be less than 100 percent accurate and complete.

to identify whether the person associated with a telephone number is the same person who registered the telephone number on the NDNCR.

28.   It is my understanding that this interpretation of the TCPA is not in line with the typical legal standard applied in similar cases; however, this argument is a legal concern which neither Mr. Kostyun nor I are qualified to assess.

D. MR. KOSTYUN'S OPINION 5 CONCERNING MY ABILITY TO IDENTIFY RESIDENTIAL TELEPHONE NUMBERS OVERLOOKS THE FACT THAT MANY COURTS HAVE FOUND MY IDENTIFICATION METHODOLOGY TO BE RELIABLE, AND IN FACT HE CHALLENGES LESS THAN 1 PERCENT OF ALL NUMBERS IN THE CLASS.

29.   Mr. Kostyun criticizes the ability of experts like me to identify residential telephone numbers. While there are data-based methods of identifying residential telephone numbers, it is my understanding that this case concerns texts that were made to consumers and not to businesses.

30.   It is also my understanding that leads purchased for use by Defendant at issue in this matter were intended to be residential telephone numbers of consumers who might purchase various insurance products.

31.   As is stated at Defendant's website https://quotewizard.com/corp/about-us Defendant states that their mission is, "to build the bridge between **consumers** and insurance providers." (emphasis added)

32.   This is further supported by the deposition testimony by QuoteWizard that the purpose of its text telemarketing campaign was to contact consumers and not businesses,[13] and by my specific experience in multiple class action cases involving calls or texts made by telemarketers for specific consumer-focused sales purposes (selling insurance, subscriptions, realty, automobile-related services, etc.).[14]

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[13] Videotaped Deposition of Tricia Winkler, September 8, 2023, p. 17:13-17.

[14] Examples of these cases include *Krakauer v. Dish Network, L.L.C.* (with telemarketing related to selling television services to consumers), *Bumpus v. Realogy Holdings Corp.* (with telemarketing related to selling realty-related services to consumers), *Brown v. DIRECTV, LLC* (with telemarketing related to selling television services to consumers), *Watson v. Lexus of Manhattan* (with telemarketing related to selling automobile services to consumers).

33.   I have analyzed telephone records in numerous TCPA cases where the residential telephone number identification process was implemented. My experience with public record searches, as well as common sense, informs my opinion that, if a number is intended to be used as a contact telephone number for a business, it will be publicized and will turn up in databases of data processors and data aggregators like PacificEast.

34.   Even if one grants every anomalous telephone number that was identified as "problematic" by Mr. Kostyun, the total quantity of those telephone numbers amounts to less than 1 percent of the telephone numbers I have identified to be included in the Class List. Alleged anomalies of less than 1% is well within the range of accuracy that courts have found consistent with industry standards in the field of class action administration. *See, e.g.*, *Abante Rooter & Plumbing, Inc. v. Alarm.com*, No. 15-CV-6314-YGR, 2017 WL 1806583, at *4 (N.D. Cal. May 5, 2017) (finding I had properly used LexisNexis data "because it was the type of data reasonably relied upon by experts in the field and the 14% error rate was not unreasonably high for these particular circumstances" (citing *Krakauer v. Dish Network, L.L.C.*, 2015 WL 5227693, at *8-9 (M.D.N.C. Sept. 8, 2015))).

35.   To reiterate, as an expert in the field my job is to provide an opinion that is accurate to a reasonable degree of certainty within the field. *See* Federal Judicial Center, *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), *available at* https://goo.gl/KTo1gB (instructing that notice should have an effective "reach" to its target audience of 70%-95%); *Swift v. Direct Buy, Inc.*, No. 2:11-cv-401-TLS, 2013 WL 5770633, at *3 (N.D. Ind. Oct. 24, 2013) ("The Federal Judicial Center's checklist on class notice instructs that class notice should strive to reach between 70% and 95% of the class.").

36.   As noted in the Verkhovskaya Report in this matter, numerous courts have approved my use of data processors like PacificEast for the purpose of identifying business

telephone numbers.[15] In general, I have found this data to be highly reliable and have employed it in numerous cases.

37.   In my experience, PacificEast data about business telephone numbers tends to be highly reliable. This reflects the common-sense notion that a person who uses a telephone number for business purposes tends to advertise that number, or at least list it as such, for obvious economic reasons, which means that PacificEast's broad aggregation of data sources is more likely than not to detect a number intended for business purposes.

38.   For his assertion that many business owners and/or employees use a personal telephone number to conduct business, Mr. Kostyun references a blog at www.dialpad.com. This blog discusses the issues concerning data protection that occur when personal telephone numbers are used by individuals to contact customers, with or without the employer's authorization. The post posits that the telephone numbers at issue are residential telephone numbers being used occasionally for customer contacts. Whether the use of a personal telephone number for a business reason converts that number to a business number for purposes of TCPA analysis is a legal question that Mr. Kostyun and I are not qualified to answer.

39.   In his report, Mr. Kostyun uses a *historical* PacificEast process to identify telephone numbers' business or residential status at the time of the texts received, and then conducts further online Google-type searches to see if the numbers are *currently* associated with potential businesses. It is clear that a significant portion of Mr. Kostyun's lay methodology relies on steps such as Google searches to confirm whether a number is used on a business website, or any other website, regardless of whether that listing or website is current or out-of-date. This kind of *ad hoc* and subjective process is inadequate to support the opinion offered, since there is no way of knowing if those numbers became associated with the business after the class period or were associated with the business before the class period and are used on a defunct website, or even if

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[15] A few examples of these cases are *Krakauer v. Dish Network, L.L.C.*, *Bumpus v. Realogy Holdings Corp.,* and *Watson v. Lexus of Manhattan.*

the business described is still in operation. Mr. Kostyun's review of various random, cherry-picked websites is not a defensible method of analyzing mass data sets to issue any expert opinions.

40.   With that said, it is crucial, however, to highlight the narrow scope of the disagreements identified. Out of a sample comprising 4,161 telephone numbers, Mr. Kostyun pinpointed a mere 20 numbers—less than 1 percent—that he perceives as business numbers but were categorized as residential through the *ad hoc* process he employed.

41.   Of note, only two of the telephone numbers that Mr. Kostyun claimed are incorrectly identified numbers were included in Exhibit J of the Verkhovskaya Report, which is the preliminary list of telephone numbers that I recommended to be included in the class. Based upon Mr. Kostyun's "research" and additional information obtained through the realty website www.redfin.com and www.google.com/maps, these two telephone numbers would appear to be, a home-based business in one instance and an out-of-date online listing in another instance. Information regarding these two telephone numbers is included in the table below.

Table 1.

Telephone number and entity identified by Mr. Kostyun via non-historical *ad hoc* website research	Information from CEG
517-896-6886, Arbonne International	The entity identified via *ad hoc* non-historical weblink does not match to the identity included in his output file from PacificEast "PacificEast output.txt" and the weblink does not have any associated dates; however, the weblink Mr. Kostyun provided states the industry is "Cosmetic sales, house-to-house." According to research by the CEG team on the address in Mr. Kostyun's weblink, looked up using the website www.redfin.com, the address is a residential apartment complex.
818-324-1807, Suzanne G. Schuda, Therapist	According to a Google search by the CEG team on the address in Mr. Kostyun's weblink, it appears that what he identified as a potential therapist office was permanently closed some time ago, though a closure date is not apparent.
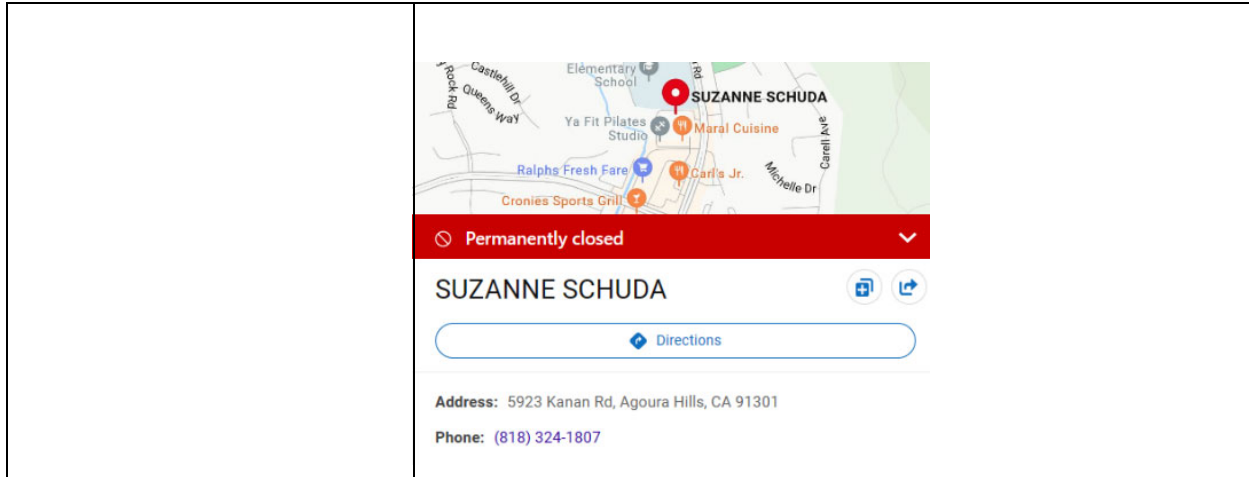
42.   As an additional note regarding telephone number 517-896-6886, it is my understanding based upon information provided by Plaintiff's counsel that there is Federal Communications Commission (FCC) support that telephone numbers assigned to "at home" businesses are entitled to NDNCR protections.

E. KOSTYUN'S OPINION 6 CONCERNING PURPORTED "CONSENT" ADDRESSES NON-CLASS MEMBERS, RELIES ON DOCUMENTS NOT PRODUCED IN DISCOVERY, AND RELIES ON "CONSENT" FORMS THAT DO NOT DISCLOSE QUOTE WIZARD AS THE SELLER AUTHORIZED TO PLACE CALLS TO THE RECIPIENT.

43.   At paragraphs 151-216 of the Kostyun Report, Mr. Kostyun contends that "data produced by QuoteWizard" includes "vast evidence of consent" that "requires manual, individualized analysis" that presumably should preclude class certification and holding QuoteWizard to account for its telemarketing practices. I disagree.

44.   First, although QuoteWizard may have physically produced the voluminous data files it relies upon for its consent defense, it obtained this data from hundreds of thousands of different sources. The consumers included in the Class List are only consumers whose data was purchased by QuoteWizard from third-party data brokers. The data for class members did not allegedly originate on a website owned or controlled by QuoteWizard. At deposition, a representative of QuoteWizard admitted that it did not conduct due diligence on the data it

admittedly purchased from a myriad of different data sources, and that it solely relied on its many vendors to obtain consent from consumers that was TCPA compliant.[16]

45.   Further, the consent data purchased by QuoteWizard was organized by QuoteWizard's lead brokers into xml data files that can be easily searched without manual review to assess whether such purported consent satisfies the TCPA's specific legal requirements. At footnote 30 of the Kostyun Report, Mr. Kostyun agrees that the consent data produced by QuoteWizard is set forth in a "tag based data exchange format known as XML." At summary judgment or trial, I can easily assess the XML data underlying QuoteWizard's consent claims and present it to the Court for analysis for it to determine if QuoteWizard's consent claims are TCPA compliant.[17]

46.   As an example of the "vast" consent evidence it will present, Mr. Kostyun contends, at paragraph 152-160 of his report that QuoteWizard produced in discovery 677 .html website screen images. None of the telephone numbers at issue within these 677 website screens, however, are in the class. In fact, it does not appear that QuoteWizard has produced website screen images for **any** of the consumers whose telephone numbers are on the Class List. Of course, it is impossible to assess whether consent was obtained from consumers in a manner that is clear, conspicuous and unambiguous without reference to the actual web-site screens evidencing the consumers purported visit to the specific website at issue.

47.   I would also note that none of the telephone numbers that are listed in the Jornaya reports produced in discovery by QuoteWizard are on the Class List.[18] Further, although QuoteWizard produced Jornaya ID numbers for many other consumers, it did not produce the Jornaya reports themselves for a single class member. There is, accordingly, no need for

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[16] Videotaped Deposition of Matthew Weeks, September 8, 2023, p. 73:8-74:12.

[17] Whether QuoteWizard has actually satisfied the TCPA's consent requirements is a legal question beyond the scope of my expert opinions.

[18] I directed my team to check a list of telephone number that was compiled from the Jornaya reports produced in discovery against the proposed Class List. No telephone numbers were found.

the Court to manually review actual individual Jornaya reports in the form of the produced .html pages and/or .pdf files.

48.   Finally, based upon my review of Figure 15 of the Kostyun Report, which I copied herein as Figure 1, it appears that even the Jornaya reports cited by Mr. Kostyun, do not identify QuoteWizard as the seller who will be contacting the consumer via a telemarketing call/text.

Figure 1
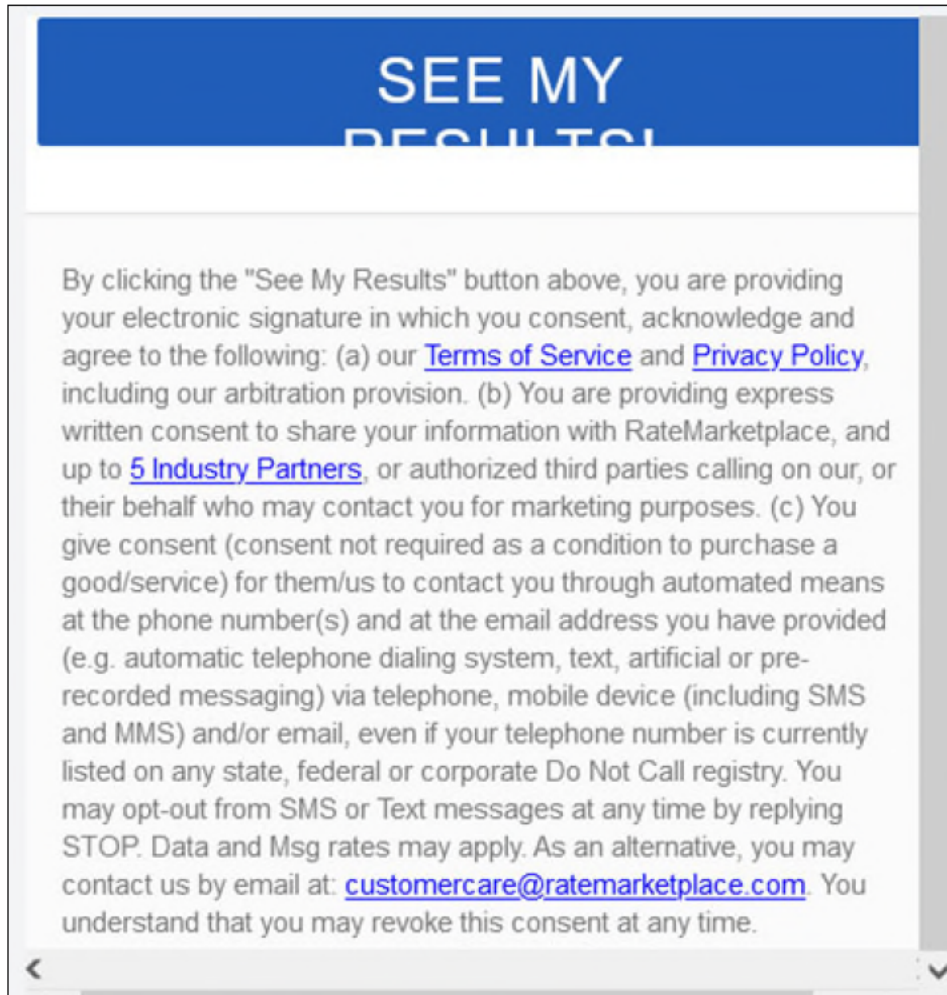
49.   Mr. Kostyun next contends, at paragraph 182-185 of his report that individualized consent inquiries are required to assess QuoteWizard's consent defense as evidenced by audio recordings produced in discovery at QUOTEWIZARD000679-680 and QUOTEWIZARD001014-1070. No individualized inquiry is required as to these recordings as the telephone numbers of the consumers at issue in these recordings are not in the Class List.

50.   Similar to his claims about Jornaya reports, Mr. Kostyun next claims beginning at paragraph 186 of his report that ActiveProspect lead verifications constitute a form of consent and will require individual inquiry. Mr. Kostyun contends that like Jornaya, ActiveProspect is a similar service that "verifies" the lead data it sells. In support of this argument, Mr. Kostyun refers to an ActiveProspect Trusted Form Certificate for the telephone number 843-877-9591; copied herein as Figure 2 is the certificate that Mr. Kostyun included in his report.

Figure 2

51.   First, this telephone number 843-877-9591 is not in the proposed Class List. Additionally, even if this number was on the Class List and even assuming the certificate is accurate, the TCPA disclosure language on this certificate, does not mention QuoteWizard as the seller who will be telemarketing to the consumer.

52.   Mr. Kostyun then goes on to claim, at paragraph 196 of his report, "… there are nearly 300,000 telephone numbers in the Excel consent data[19] that have Trusted Form Certificates associated with them." These certificates, however, were never actually produced in discovery by QuoteWizard and discovery as to consent has now closed.

53.   Furthermore, in order to assess the validity of Mr. Kostyun's argument relating to Trusted Form Certificates to the best of my ability using available data, I coordinated to review the weblinks within the data available to me utilizing qBit.

54.   qBit is an advanced System & Network Management product designed to monitor systems in heterogeneous network environments and to perform automated actions. It is developed in Java. qBit is a cross-platform product with a web-based interface that allows remote access to all its functionalities. Product configuration and customization are managed through a single web-based administration console. qBit utilizes agents that provide the system with various measurements based on dynamic rules set by the operator via the administration console. It employs a proprietary metalanguage that allows you to set up alarms and automated actions. The product allows for data logging provided by agents and enables real-time statistics through graphical representations. These statistics help in comparing system or infrastructure properties with application-related ones. The statistical reports are fully customizable. In layman's terms, qBit is able to programmatically check the functionality of a set of internet links in order to determine if the links are functional or not.

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[19] It is unclear exactly which files Mr. Kostyun is referencing with this statement as he did not define "consent data."

55.   I directed my team to utilize qBit to review certain weblinks in this case. The process specifically checked the links related to the telephone numbers that were present in Exhibit J of the Verkhovskaya Report.

56.   Of the telephone numbers in Exhibit J of the Verkhovskaya Report, there were 13,358 telephone numbers with weblinks that contained the word "trusted" included as part of the weblink which appeared in the relevant field(s) for the files listed below:

Field(s) "TRUSTEDFORMCERTIFICATEURL" and/or

"GeneralInforTrustedFormCertificateUrl"[20] for files:

Adharmonics_Inbound_Page_Details.csv*
ALLWEB_INBOUND_PAGE DETAILS.csv*
AVENGEDIGITAL_INBOUND_PAGE DETAILS.csv*
BETTERLEADS_INBOUND_PAGE DETAILS.csv*
BLUESUMMIT_INBOUND_PAGE DETAILS.csv*
C3DATA_INBOUND_PAGE DETAILS.csv*
CEGE_INBOUND_PAGE DETAILS.csv*
CREATIONQUOTE_INBOUND_PAGE DETAILS.csv*
EQUOTO_INBOUND_PAGE DETAILS.csv*
EVERYPOLICY_INBOUND_PAGE DETAILS.csv*
EXCELIMPACT_INBOUND_PAGE DETAILS.csv*
GOLDENSTATEINTERACTIVE_INBOUND_PAGE DETAILS.csv*
ICW_INBOUND_PAGE DETAILS.csv*
inbound_xml_ADHARMONICS.csv+
inbound_xml_AGILE RATES.csv+
inbound_xml_ALLWEB.csv+
inbound_xml_AVENGEDIGITAL.csv+
inbound_xml_BENEPATH.csv+
inbound_xml_BETTERLEADS.csv+
inbound_xml_BINDRIGHT.csv+
inbound_xml_BLUEINKDIGITAL.csv+
inbound_xml_BLUESUMMIT.csv+
inbound_xml_BROKERSWEB.csv+
inbound_xml_C3DATA.csv+
inbound_xml_CALLX.csv+

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[20] Those files with the field "TRUSTEDFORMCERTIFICATEURL" are marked with an asterisk and those files with field "GeneralInfoTrustedFormCertificateUrl" are marked with a plus sign.

inbound_xml_CEGE.csv+

inbound_xml_CONTACTABILITY.csv+

inbound_xml_CREATIONSQUOTE.csv+

inbound_xml_EQUOTO.csv+

inbound_xml_EVERYPOLICY.csv+

inbound_xml_EXCELIMPACT.csv+

inbound_xml_GODIRECT.csv+

inbound_xml_GOLDENSTATEINTERACTIVE.csv+

inbound_xml_HPONE.csv+

inbound_xml_ICW.csv+

inbound_xml_INQUIR.csv+

inbound_xml_LEADCLOUD.csv+

inbound_xml_LEADGATEMEDIA.csv+

inbound_xml_LEADINGLY.csv+

inbound_xml_MEDIALOT.csv+

inbound_xml_MEDIANOVA.csv+

inbound_xml_MEDICALRECORDS.csv+

inbound_xml_MEDICARESAVER.csv+

inbound_xml_MIDNIGHTOIL.csv+

inbound_xml_NATIONALFAMILYASSURANCEGROUP.csv+

inbound_xml_NEWLEVELMEDIA.csv+

inbound_xml_NEXUS.csv+

inbound_xml_ORGANICADS.csv+

inbound_xml_OTBH.csv+

inbound_xml_POLICYBIND.csv+

inbound_xml_PRESIDIO.csv+

inbound_xml_PX.csv+

inbound_xml_QATALYSTINC.csv+

inbound_xml_QUOTEVELOCITY.csv+

inbound_xml_RANKMEDIA.csv+

inbound_xml_REVPOINTMEDIA.csv+

inbound_xml_ROCKADVERTISING.csv+

inbound_xml_SUITED.csv+

inbound_xml_TRUSOURCE.csv+

inbound_xml_UNIONSQUAREMEDIA.csv+

inbound_xml_WISDOMCO.csv+

INQUIR_INBOUND_PAGE DETAILS.csv*

MEDIALOT_INBOUND_PAGE DETAILS.csv*

MEDICARESAVER_INBOUND_PAGE DETAILS.csv*

NATIONALFAMILYASSURANCEGROUP_INBOUND_PAGE DETAILS.csv*

ORGANICADS_INBOUND_PAGE DETAILS.csv*

POLICYBIND_INBOUND_PAGE DETAILS.csv*

PRESIDIO_INBOUND_PAGE DETAILS.csv*

PX_INBOUND_PAGE DETAILS.csv*

QUOTEVELOCITY_INBOUND_PAGE DETAILS.csv*

RANKMEDIA_INBOUND_PAGE DETAILS.csv*

SUITED_INBOUND_PAGE DETAILS.csv*

TRUSOURCE_INBOUND_PAGE DETAILS.csv*

ALPINEDIGITAL_INBOUND_PAGE DETAILS.csv*

APOLLOINTERACTIVE_INBOUND_PAGE DETAILS.csv*

inbound_xml_ALPINEDIGITAL (1).csv+

inbound_xml_APOLLOINTERACTIVE.csv+

inbound_xml_BOLDMEDIA.csv+

inbound_xml_COMPAREINSURANCEQUOTES.csv+

inbound_xml_DATALOT.csv+

inbound_xml_EIGENANALYTICS.csv+

inbound_xml_EINSURANCE.csv+

inbound_xml_EVERQUOTEAUTOLIBMU.csv+

inbound_xml_HEALTHCARETOSAC.csv+

inbound_xml_HTQ.csv+

inbound_xml_INFINIX MEDIA.csv+

inbound_xml_INFINIX.csv+

inbound_xml_INSIDE.csv+

inbound_xml_INSUREDNATION.csv+

inbound_xml_LEADCO.csv+

inbound_xml_LENDINGTREE.csv+

inbound_xml_LMLEAD.csv+

inbound_xml_LOWERMYBILLS.csv+

inbound_xml_MADERADIGITAL.csv+

inbound_xml_MEDIAALPHA.csv+

inbound_xml_MEDIAFORCE.csv+

inbound_xml_NEXTLEVELDIRECT.csv+

inbound_xml_OFFERWEB.csv+

inbound_xml_PRECISEAUTO.csv+

inbound_xml_QUINSTREET.csv+

inbound_xml_REALTIMEINSURANCELEAD.csv+

inbound_xml_REDOCEANLEADS.csv+

inbound_xml_REFINEDLEADS.csv+

inbound_xml_SIMPLEINSURANCELEADS.csv+

inbound_xml_THEZEBRA.csv+

inbound_xml_THISORTHAT.csv+

inbound_xml_TRADEMARC.csv+

inbound_xml_TRANSPARENT.csv+

inbound_xml_TRANZACTAUTO.csv+

inbound_xml_UE.CO.csv+

inbound_xml_UNDERGROUNDELEPHANTAUTO.csv+

inbound_xml_UNDERGROUNDELEPHANTAUTOML.csv+

INFINIX MEDIA_INBOUND_PAGE DETAILS.csv*

INSUREDNATION_INBOUND_PAGE DETAILS.csv*

LMLEAD_INBOUND_PAGE DETAILS.csv*

MEDIAALPHA_INBOUND_PAGE DETAILS.csv*

UE.CO_INBOUND_PAGE DETAILS.csv*

ORGANICADS_INBOUND_PAGE DETAILS.csv*

POLICYBIND_INBOUND_PAGE DETAILS.csv*

QATALYSTINC_INBOUND_PAGE DETAILS.csv*

QUOTEVELOCITY_INBOUND_PAGE DETAILS.csv*

STRATMEDIAINB_INBOUND_PAGE DETAILS.csv*

TRUSOURCE_INBOUND_PAGE DETAILS.csv*

UE.CO_INBOUND_PAGE DETAILS.csv*

UNIONSQUAREMEDIA_INBOUND_PAGE DETAILS.csv*

ACTIVEPROSPECTMEDICAREAGENCY_INBOUND_PAGE DETAILS.csv*

ADHARMONICS_INBOUND_PAGE DETAILS.csv*

ADSTERMINALINB_INBOUND_PAGE DETAILS.csv*

AGILE RATES_INBOUND_PAGE DETAILS.csv*

ALLWEB_INBOUND_PAGE DETAILS.csv*

APOLLOINTERACTIVE_INBOUND_PAGE DETAILS.csv*

AVENGEDIGITAL_INBOUND_PAGE DETAILS.csv*

BETTERLEADS_INBOUND_PAGE DETAILS.csv*

BLUEINKDIGITAL_INBOUND_PAGE DETAILS.csv*

BLUESUMMIT_INBOUND_PAGE DETAILS.csv*

C3DATA_INBOUND_PAGE DETAILS.csv*

CONTACTABILITY_INBOUND_PAGE DETAILS.csv*

EQUOTO_INBOUND_PAGE DETAILS.csv*

EVERYPOLICY_INBOUND_PAGE DETAILS.csv*

inbound2_xml_ACTIVEPROSPECTMEDICAREAGENCY.csv+

inbound2_xml_ADHARMONICS.csv+

inbound2_xml_ADSTERMINALINB.csv+

inbound2_xml_AGILE_RATES.csv+

inbound2_xml_ALLWEB.csv+

inbound2_xml_ALPINEDIGITAL.csv+

inbound2_xml_APOLLOINTERACTIVE.csv+

inbound2_xml_AVENGEDIGITAL.csv+

inbound2_xml_BENEPATH.csv+

inbound2_xml_BETTERLEADS.csv+

inbound2_xml_BINDRIGHT.csv+

inbound2_xml_blank_vendors.csv+

inbound2_xml_BLUEINKDIGITAL.csv+

inbound2_xml_BLUESUMMIT.csv+

inbound2_xml_BOLDMEDIA.csv+

inbound2_xml_C3DATA.csv+

inbound2_xml_CALLX.csv+

inbound2_xml_CEGE.csv+

inbound2_xml_COMPAREINSURANCEQUOTES.csv+

inbound2_xml_CONTACTABILITY.csv+

inbound2_xml_CREATIONSQUOTE.csv+

inbound2_xml_DATALOT.csv+

inbound2_xml_EIGENANALYTICS.csv+

inbound2_xml_EINSURANCE.csv+

inbound2_xml_EQUOTO.csv+

inbound2_xml_EVERYPOLICY.csv+

inbound2_xml_EXCELIMPACT.csv+

inbound2_xml_GODIRECT.csv+

inbound2_xml_GOHEALTH.csv+

inbound2_xml_GOLDENSTATEINTERACTIVE.csv+

inbound2_xml_HEALTHCARE.csv+

inbound2_xml_HPONE.csv+

inbound2_xml_ICW.csv+

inbound2_xml_INFINIX_MEDIA.csv+

inbound2_xml_INQUIR.csv+

inbound2_xml_INSIDE_VENTURES.csv+

inbound2_xml_INSUREDNATION.csv+

inbound2_xml_LEADCLOUD.csv+

inbound2_xml_LEADCO.csv+

inbound2_xml_LEADGATEMEDIA.csv+

inbound2_xml_LEADINGLY.csv+

inbound2_xml_LEADSGATEMEDIA.csv+

inbound2_xml_LEADSLAB.csv+

inbound2_xml_LMLEAD.csv+

inbound2_xml_LOWERMYBILLS.csv+

inbound2_xml_MADERADIGITAL.csv+

inbound2_xml_MEDIAALPHA.csv+

inbound2_xml_MEDIAFORCE.csv+

inbound2_xml_MEDIALOT.csv+

inbound2_xml_MEDIANOVA.csv+

inbound2_xml_MEDICALRECORDS.csv+

inbound2_xml_MEDICARESAVER.csv+

inbound2_xml_MIDNIGHTOIL.csv+

inbound2_xml_NATIONALFAMILYASSURANCEGROUP.csv+

inbound2_xml_NEWLEVELMEDIA.csv+

inbound2_xml_NEXTLEVELDIRECT.csv+

inbound2_xml_NEXUS.csv+

inbound2_xml_OFFERWEB.csv+

inbound2_xml_ORGANICADS.csv+

inbound2_xml_OTBH.csv+

inbound2_xml_POLICYBIND.csv+

inbound2_xml_PRESIDIO.csv+

inbound2_xml_PX.csv+

inbound2_xml_QATALYSTINC.csv+

inbound2_xml_QUINSTREET.csv+

inbound2_xml_QUOTEVELOCITY.csv+

inbound2_xml_RANKMEDIA.csv+

inbound2_xml_REDOCEANLEADS.csv+

inbound2_xml_REVPOINTMEDIA.csv+

inbound2_xml_RIOTECH.csv+

inbound2_xml_ROCKADVERTISING.csv+

inbound2_xml_STRATMEDIAINB.csv+

inbound2_xml_SUCCESSFUL.csv+

inbound2_xml_SUITED.csv+

inbound2_xml_THISORTHAT.csv+

inbound2_xml_TRADEMARC.csv+

inbound2_xml_TRANSPARENT.csv+

inbound2_xml_TRUSOURCE.csv+

inbound2_xml_UE.CO.csv+

inbound2_xml_UNIONSQUAREMEDIA.csv+

inbound2_xml_VENTRIX.csv+

inbound2_xml_WISDOMCO.csv+
INFINIX MEDIA_INBOUND_PAGE DETAILS.csv*
INQUIR_INBOUND_PAGE DETAILS.csv*
LEADCO_INBOUND_PAGE DETAILS.csv*
LEADGATEMEDIA_INBOUND_PAGE DETAILS.csv*
LEADINGLY_INBOUND_PAGE DETAILS.csv*
LEADSLAB_INBOUND_PAGE DETAILS.csv*
MADERADIGITAL_INBOUND_PAGE DETAILS.csv*
MEDIALOT_INBOUND_PAGE DETAILS.csv*
MEDICARESAVER_INBOUND_PAGE DETAILS.csv*
NEWLEVELMEDIA_INBOUND_PAGE DETAILS.csv*

57.   Of the 13,358 telephone numbers in Exhibit J of the Verkhovskaya Report, with weblinks in the above-listed files that contained the word "trusted" within the weblink, none of them were associated with a weblink that worked. This means that even if one agreed with Mr. Kostyun that these links should constitute consent, none of the proposed class telephone numbers have a working ActiveProspect link.

58.   In his final argument relating to consent, set forth at paragraphs 201-213 of his report, Mr. Kostyun contends that the substance of a number of consumer-sent text responses are actually evidence of consumers who expressed an interest in QuoteWizard's services even though they were treated by Drips and QuoteWizard as Do Not Call requests. As explained in the Verkhovskaya Report, I removed from the Class List consumers who were identified by QuoteWizard as having responded with interest to QuoteWizard's telemarketing texts as based the file I referred to in my Expert Report as the "Potential Customer File" (QUOTEWIZARD003653-QUOTEWIZARD003653.xlsx). Consistent with my initial methodology as intending to remove from the Class List consumers who responded with interest to QuoteWizard's texts, and having been made aware by the Kostyun Report of QuoteWizard's claim that some consumers who were included in the telephone numbers designated by QuoteWizard as numbers to "Do Not Call" (files "DNC-Part1.csv," "DNC-Part2.csv," "DNC-Part3.csv," Inbound Messages – 2021-05-18.csv," and "QuoteWizard_Mantha 00211 UNREDACTED.csv") actually may have been interested in its products.

59.   On or about November 2, 2023, I received from Plaintiff's counsel a list of consumer Opt Out Requests that matched some of the telephone numbers listed on Exhibit J of the Verkhovskaya Report, that could be interpreted as having expressed interest in QuoteWizard's goods or services, and I removed those **2,768** telephone numbers[21] from the preliminary proposed Class List found at Exhibit J of the Verkhovskaya Report.

60.   Finally, in order to simplify the presentation of evidence at class certification and trial, I was instructed by counsel to remove from the class any numbers for which QuoteWizard produced a working Jornaya or Trusted Form link. For this process, I reviewed the following fields connected to the following files:

Field "TRUSTEDFORMCERTIFICATEURL" for files:

ALPINEDIGITAL_INBOUND_PAGE DETAILS.csv
APOLLOINTERACTIVE_INBOUND_PAGE DETAILS.csv
INFINIX MEDIA_INBOUND_PAGE DETAILS.csv
INSUREDNATION_INBOUND_PAGE DETAILS.csv
LMLEAD_INBOUND_PAGE DETAILS.csv
MEDIAALPHA_INBOUND_PAGE DETAILS.csv
UE.CO_INBOUND_PAGE DETAILS.csv
Adharmonics_Inbound_Page_Details.csv
ALLWEB_INBOUND_PAGE DETAILS.csv
AVENGEDIGITAL_INBOUND_PAGE DETAILS.csv
BETTERLEADS_INBOUND_PAGE DETAILS.csv
BLUESUMMIT_INBOUND_PAGE DETAILS.csv
C3DATA_INBOUND_PAGE DETAILS.csv
CEGE_INBOUND_PAGE DETAILS.csv
CREATIONQUOTE_INBOUND_PAGE DETAILS.csv
EQUOTO_INBOUND_PAGE DETAILS.csv
EVERYPOLICY_INBOUND_PAGE DETAILS.csv
EXCELIMPACT_INBOUND_PAGE DETAILS.csv
GOLDENSTATEINTERACTIVE_INBOUND_PAGE DETAILS.csv
ICW_INBOUND_PAGE DETAILS.csv
INQUIR_INBOUND_PAGE DETAILS.csv
MEDIALOT_INBOUND_PAGE DETAILS.csv
MEDICARESAVER_INBOUND_PAGE DETAILS.csv

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[21] A list of these telephone numbers is attached hereto as Exhibit 1.

NATIONALFAMILYASSURANCEGROUP_INBOUND_PAGE DETAILS.csv
ORGANICADS_INBOUND_PAGE DETAILS.csv
POLICYBIND_INBOUND_PAGE DETAILS.csv
PRESIDIO_INBOUND_PAGE DETAILS.csv
PX_INBOUND_PAGE DETAILS.csv
QUOTEVELOCITY_INBOUND_PAGE DETAILS.csv
RANKMEDIA_INBOUND_PAGE DETAILS.csv
SUITED_INBOUND_PAGE DETAILS.csv
TRUSOURCE_INBOUND_PAGE DETAILS.csv
ADSTERMINALINB_INBOUND_PAGE DETAILS.csv
Inbound Page Details_Leads Drips Rejected but Texted.csv
Inbound Page_Leads Rejected but Drips Accepted and Texted.csv
ACTIVEPROSPECTMEDICAREAGENCY_INBOUND_PAGE DETAILS.csv
ADHARMONICS_INBOUND_PAGE DETAILS.csv
AGILE RATES_INBOUND_PAGE DETAILS.csv
ALLWEB_INBOUND_PAGE DETAILS.csv
ALPINEDIGITAL_INBOUND_PAGE DETAILS.csv
APOLLOINTERACTIVE_INBOUND_PAGE DETAILS.csv
AVENGEDIGITAL_INBOUND_PAGE DETAILS.csv
BETTERLEADS_INBOUND_PAGE DETAILS.csv
BLUEINKDIGITAL_INBOUND_PAGE DETAILS.csv
BLUESUMMIT_INBOUND_PAGE DETAILS.csv
C3DATA_INBOUND_PAGE DETAILS.csv
CEGE_INBOUND_PAGE DETAILS.csv
CONTACTABILITY_INBOUND_PAGE DETAILS.csv
CREATIONSQUOTE_INBOUND_PAGE DETAILS.csv
EQUOTO_INBOUND_PAGE DETAILS.csv
EVERYPOLICY_INBOUND_PAGE DETAILS.csv
EXCELIMPACT_INBOUND_PAGE DETAILS.csv
GOLDENSTATEINTERACTIVE_INBOUND_PAGE DETAILS.csv
HEALTHCARE_INBOUND_PAGE DETAILS.csv
ICW_INBOUND_PAGE DETAILS.csv
INFINIX MEDIA_INBOUND_PAGE DETAILS.csv
INQUIR_INBOUND_PAGE DETAILS.csv
INSUREDNATION_INBOUND_PAGE DETAILS.csv
LEADCO_INBOUND_PAGE DETAILS.csv
LEADGATEMEDIA_INBOUND_PAGE DETAILS.csv
LEADINGLY_INBOUND_PAGE DETAILS.csv
LEADSLAB_INBOUND_PAGE DETAILS.csv
LMLEAD_INBOUND_PAGE DETAILS.csv

MADERADIGITAL_INBOUND_PAGE DETAILS.csv
MEDIAALPHA_INBOUND_PAGE DETAILS.csv
MEDIALOT_INBOUND_PAGE DETAILS.csv
MEDICARESAVER_INBOUND_PAGE DETAILS.csv
NATIONALFAMILYASSURANCEGROUP_INBOUND_PAGE DETAILS.csv
NEWLEVELMEDIA_INBOUND_PAGE DETAILS.csv
ORGANICADS_INBOUND_PAGE DETAILS.csv
POLICYBIND_INBOUND_PAGE DETAILS.csv
PRESIDIO_INBOUND_PAGE DETAILS.csv
PX_INBOUND_PAGE DETAILS.csv
QATALYSTINC_INBOUND_PAGE DETAILS.csv
QUOTEVELOCITY_INBOUND_PAGE DETAILS.csv
RANKMEDIA_INBOUND_PAGE DETAILS.csv
STRATMEDIAINB_INBOUND_PAGE DETAILS.csv
SUITED_INBOUND_PAGE DETAILS.csv
TRUSOURCE_INBOUND_PAGE DETAILS.csv
UE.CO_INBOUND_PAGE DETAILS.csv
UNIONSQUAREMEDIA_INBOUND_PAGE DETAILS.csv
WISDOMCO_INBOUND_PAGE DETAILS.csv
Presidio_Consent info for 50 Lead Sample - 4859-0034-2367 1.xlsx

Field "CertificateURL" for file:
TrustedForm Report.xlsx

Field "sessionreferrer" for files:
ROIMARKETPLACE_PAGE DETAILS.csv
RSIDISPLAY_PAGE DETAILS.csv
SAVINGSROLL.COM_PAGE DETAILS.csv
SEO_PAGE DETAILS.csv
SHINEARMOR.COM_PAGE DETAILS.csv
SIMPLIFIEDRATES_PAGE DETAILS.csv
SLFT_PAGE DETAILS.csv
SMARTADV_PAGE DETAILS.csv
SMARTASSET_PAGE DETAILS.csv
SMARTWAVEZ_PAGE DETAILS.csv
SMS_PAGE DETAILS.csv
STARTMYQUOTE.COM_PAGE DETAILS.csv
STARTSAVING_PAGE DETAILS.csv
TABOOLA_PAGE DETAILS.csv
TAKEOVERMEDIA_PAGE DETAILS.csv
THELLAMA.COM_PAGE DETAILS.csv

THESMARTWALLET.COM_PAGE DETAILS.csv
TIKTOK_PAGE DETAILS.csv
TRANSPARENTADS.COM_PAGE DETAILS.csv
TRANSUNION_PAGE DETAILS.csv
TURTLELEADS_PAGE DETAILS.csv
ULTIMATEINSURANCE.CO_PAGE DETAILS.csv
USIA_PAGE DETAILS.csv
USM_PAGE DETAILS.csv
USNEWS_PAGE DETAILS.csv
VERIZON_PAGE DETAILS.csv
VP_PAGE DETAILS.csv
WALLETGENIUS.COM_PAGE DETAILS.csv
WAYLESSQUOTES_PAGE DETAILS.csv
WEAUTOINSURANCE_PAGE DETAILS.csv
WEFOUND_PAGE DETAILS.csv
WZRSVR_PAGE DETAILS.csv
X5_PAGE DETAILS.csv
XTRG_PAGE DETAILS.csv
YAHOO_PAGE DETAILS.csv
ZAPPIAN_PAGE DETAILS.csv
ZEN_PAGE DETAILS.csv
HYPERBOOST_PAGE DETAILS.csv
HYSVR_PAGE DETAILS.csv
ICOMPAREAUTOINSURANCE.COM_PAGE DETAILS.csv
IDSG_PAGE DETAILS.csv
INFY_PAGE DETAILS.csv
INSUREDYES.COM_PAGE DETAILS.csv
JBCS_PAGE DETAILS.csv
KVELLMARKETING_PAGE DETAILS.csv
KZOMEDIA_PAGE DETAILS.csv
LEADNOMICS_PAGE DETAILS.csv
LENDERDAILY_PAGE DETAILS.csv
LENDINGTREE_PAGE DETAILS.csv
LENDYMEDIA_PAGE DETAILS.csv
LGAUTO_PAGE DETAILS.csv
LHMR_PAGE DETAILS.csv
LIVEWIREINSURANCE.COM_PAGE DETAILS.csv
LOSTBOYS_PAGE DETAILS.csv
LOWESTQUOTES_PAGE DETAILS.csv
LTEMAIL_PAGE DETAILS.csv

LTMEDIA_PAGE DETAILS.csv
LTSMS_PAGE DETAILS.csv
LUCENT_PAGE DETAILS.csv
M3_PAGE DETAILS.csv
MADR_PAGE DETAILS.csv
MARKETCALL_PAGE DETAILS.csv
MAXBOUNTY_PAGE DETAILS.csv
MBPPS_PAGE DETAILS.csv
MEDICALRECORDS.COM_PAGE DETAILS.csv
METARAIL_PAGE DETAILS.csv
MFRCLTD_PAGE DETAILS.csv
MILITARY.COM_PAGE DETAILS.csv
MOBUPPS_PAGE DETAILS.csv
MONEYTIME_PAGE DETAILS.csv
MOUNTAINTOP_PAGE DETAILS.csv
MOVOTO.COM_PAGE DETAILS.csv
MSN_PAGE DETAILS.csv
MTMESSENGER_PAGE DETAILS.csv
MYFINANCEBUZZ.COM_PAGE DETAILS.csv
MYLENDINGTREE_PAGE DETAILS.csv
MYQUOTESGENIUS.COM_PAGE DETAILS.csv
NAM_PAGE DETAILS.csv
NATINTSOCIAL_PAGE DETAILS.csv
NATURALINTELLIGENCE_PAGE DETAILS.csv
NW_PAGE DETAILS.csv
OPG_PAGE DETAILS.csv
OPTIMIZETOCONVERT_PAGE DETAILS.csv
OWNERLY.COM_PAGE DETAILS.csv
PEAKPERFORMANCE_PAGE DETAILS.csv
PERFORM_PAGE DETAILS.csv
PERFORMANCEAUTO_PAGE DETAILS.csv
PERFORMCBL_PAGE DETAILS.csv
POINT2WEB_PAGE DETAILS.csv
POLICYPLUG_PAGE DETAILS.csv
POLICYSPOTTER_PAGE DETAILS.csv
PRECISERATEQUOTES.COM_PAGE DETAILS.csv
PREMIUMREDUCTIONS_PAGE DETAILS.csv
PROPEL_PAGE DETAILS.csv
PUSHNAMI_PAGE DETAILS.csv
QUANTUMDIGITAL_PAGE DETAILS.csv

QUINCLICK_PAGE DETAILS.csv
QUORA_PAGE DETAILS.csv
QUOTE.COM_PAGE DETAILS.csv
QUOTECONDUCTOR.COM_PAGE DETAILS.csv
QUOTEROCKET.COM_PAGE DETAILS.csv
QWEMAIL_PAGE DETAILS.csv
RATESPOLICY.COM_PAGE DETAILS.csv
RINGPARTNER_PAGE DETAILS.csv
CX3ADS_PAGE DETAILS.csv
DECIDO.IO_PAGE DETAILS.csv
DENVERVENDOR_PAGE DETAILS.csv
DIABLOT1_PAGE DETAILS.csv
DIRECTAGENTS_PAGE DETAILS.csv
DIRECTAUTOINSURANCE.ORG_PAGE DETAILS.csv
DISCOUNTCARINSURANCE.IO_PAGE DETAILS.csv
DISCOUNTEDQUOTES.COM_PAGE DETAILS.csv
DMS_PAGE DETAILS.csv
DMV.COM_PAGE DETAILS.csv
ECOMFYLEAD_PAGE DETAILS.csv
EINSURANCE_PAGE DETAILS.csv
ELEPHANT_PAGE DETAILS.csv
EXPENSECUTTER_PAGE DETAILS.csv
EXPRESSREVENUE_PAGE DETAILS.csv
FAMILY_PAGE DETAILS.csv
FCEBCK_PAGE DETAILS.csv
FLEXQUOTEFINDER.COM_PAGE DETAILS.csv
FNDR_PAGE DETAILS.csv
GDN_PAGE DETAILS.csv
GETMEINSURE.COM_PAGE DETAILS.csv
GFC_PAGE DETAILS.csv
GMAILPPC_PAGE DETAILS.csv
GOODWALLET_PAGE DETAILS.csv
GOOGLE_2018_PAGE DETAILS.csv
GOOGLE_2019_PAGE DETAILS.csv
GOOGLE_2020_PAGE DETAILS.csv
GOOGLE_2021_PAGE DETAILS.csv
GUARDIANSINSURANCE.COM_PAGE DETAILS.csv
HENRYADSFACTORY_PAGE DETAILS.csv
HIATUS_PAGE DETAILS.csv
HLLO_PAGE DETAILS.csv

HOWMUCH.NET_PAGE DETAILS.csv
HOWSTUFFWORKS.COM_PAGE DETAILS.csv

Field "data.submissionURL" for file:
find_query_internal.csv

Field "lead site" for file:
HigherEd00001.xlsx

Field "Submission URL" for file:
Presidio_Consent info for 50 Lead Sample - 4859-0034-2367 1.xlsx

Field "TRUSTEDFORMCERTIFICATEURL" for file:
find_query_external.csv

61.   In total, only **1,194** of the telephone numbers on the preliminary Class List had **1,212** associated links that were working links.[22] As detailed earlier, none of the ActiveProspect links associated with numbers on the preliminary Class List are working links. In accordance with counsel's instructions, I removed from the preliminary Class List those telephone numbers associated with working Jornaya links.

62.   After the removal of the **2,768** telephone numbers of consumers who expressed interest in QuoteWizard's products, and after the removal of **1,194** remaining telephone numbers associated with working Jornaya weblinks, **67,588** unique telephone numbers that received **319,112** telemarketing text messages remain in the class that meet the meet common attributes relating to all class members as set forth in the initial Verkhovskaya Report

63.   An updated version of the Class List reflecting this change is attached at Exhibit 2.[23]

IV.   CONCLUSION

64.   The Kostyun Report fails to show that the opinions I expressed in the Verkhovskaya Report are either incorrect or unreliable and does not change any of the opinions I expressed in the Verkhovskaya Report.

65.   I have reached the opinions expressed herein based on a reasonable degree of certainty in the fields of data management, data analysis, class member identification, and claims administration.

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[22] Some of the telephone numbers with working links were already removed in paragraph 59.
[23] While preparing this, it was found that Exhibit J of the Verkhovskaya Report had a typo in the area code for Mr. Mantha that is now corrected in Exhibit 2.

Executed at Milwaukee, Wisconsin, this November 22, 2023.

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Anya Verkhovskaya

EXHIBITS 1-2

Provided in native format.